

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
MAY 11, 2010  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order:** Mayor Wasserman called the meeting to order.
- 1.2 Flag Salute:** By Scout Troop #111 led the salute to the flag.
- 1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.
- 1.4 Announcements by Mayor/City Manager** – None.

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes** – None.

- \* **2.3 Mayor Wasserman opened consideration of Adoption of a Resolution Authorizing Submittal of a Workplan for the FY 2010/11 Measure B Paratransit Program to the Alameda County Transportation Improvement Authority (ACTIA)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2010-30:

1. Authorizing submittal of the City's application to ACTIA for paratransit funding under Measure B.
2. Authorizing the City Manager or his designee to notify ACTIA that the City is allocating all Measure B paratransit revenues to the City's non-mandated paratransit program.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
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Noes: None  
Absent: None  
Abstain: None

**\* 2.4 Mayor Wasserman opened consideration of Adoption of a Resolution Authorizing an Application From the City Manager or His Designee to Apply for Funding and Execute Necessary Documents to Implement and Expend Funds from the Used Oil Payment Program**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2010-31 authorizing the City Manager or his designee to accept and expend funds from the Used Oil Payment Program, and to execute all grant documents, and appropriate any grant funds received to the Integrated Waste Management Grants Fund.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration to Accept the Bridge Preventative Maintenance Program (BPMP) Grant and Appropriate the Grant Funds of \$322,862 to the Citywide Bridge Repair Project at the Isherwood, Old Canyon, Auto Mall, and Alvarado Bridges; City Project No. 8120B (PWC)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Authorized the City Manager or designee to accept the BPMP grant and to execute any associated grant documents.
2. Appropriated funds in the grant amount of \$322,862 to 522PWC8120 (Citywide Bridge Repair).
3. Directed staff to begin design of the Citywide Bridge Repair Project.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.6 Mayor Wasserman opened consideration of a Request for Council Approval to Increase the Purchase Order with Adamson Police Products, a Division of Professional Police Supply, to \$230,000 in Fiscal Year 2009/10**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized purchase of merchandise from Adamson Police Products in an amount not to exceed \$230,000 in FY 2009/10, to be funded by the Police Department operating budget.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.7 Mayor Wasserman opened consideration of Approval of Plans and Specifications, Fund Appropriations, and Award of Construction Contract to Seismic Retrofit and Renovate Fremont Fire Station No. 3 (City Project No. 8552B PWC) located in the Irvington District**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Found that this project is categorically exempt from CEQA per section 15301, existing facilities.
2. Approved Plans and Specifications for the new Fire Station No. 3,
3. Appropriated \$2,440,641.81 in Fire Bond proceeds from Fund 213 to PWC8552, and
4. Awarded a contract for the reconstruction of the new Fire Station No. 3 (City Project No. 8552B PWC) to River View Construction, Inc., in the amount of \$1,833,500.00; and authorized the City Manager, or designee, to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**3. CEREMONIAL ITEMS – None.**

**4. PUBLIC COMMUNICATIONS**

**4.1 Oral and Written Communications**

Lowell Aspelund expressed concern related to ambulance service providers in Fremont. Steve Cho invited Council and the community to attend the annual Friends of Scouting breakfast to be held on May 20 and encouraged Council to educate the public regarding the proposed tree ordinance that was recently introduced. Linda Susoev expressed concern about the care of the elderly in Fremont.

**5. SCHEDULED ITEMS – None.**

## **6. REPORT FROM CITY ATTORNEY**

### **6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

## **7. OTHER BUSINESS**

### **7.1 Mayor Wasserman opened consideration to Waive Full Reading and Introduce an Ordinance to Amend the Fremont Municipal Code (FMC) to add Title IV, Chapter 2, Article 10 to the FMC to Prohibit the Use of Expanded Polystyrene Disposable Food Service Ware by Food Vendors within City Limits**

Solid Waste Manager Ken Pianin highlighted elements of the proposed ordinance. Staff responded to questions of Councilmembers. Mayor Wasserman opened the item for public comment. Allison Chan (Save the Bay), Gus Morrison (Tri City Ecology Center) and Miriam Gordon (Clean Water Action) expressed support for the proposed ordinance. Nina Moore (Fremont Chamber of Commerce) expressed support for the ordinance and expressed concern related to outreach efforts to allow businesses time to be educated on the ordinance and time to test out alternatives to figure out which works best for their business. Johnnie Downs (California Restaurant Association) expressed opposition to the proposed ordinance and expressed concerns related to costs for purchasing alternative food packaging products for small business establishments. There were no other speakers. Mayor Wasserman closed public comment. Another question and answer period followed. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Found that the project is covered by a Negative Declaration under the California Environmental Review Act (CEQA) in that it does not have the potential to have a significant effect on the environment.
3. Waived full reading and introduced an ordinance of the City of Fremont Amending the Fremont Municipal Code by Adding a New Article 10, Title 10, Title IV, Chapter 2 (Solid Waste, Recyclables, and Yard Waste Management) to Prohibit the Use of Expanded Polystyrene (foam) Disposable Food Service Ware and to Require the Use of Recyclable or Compostable Food Service Ware Within City Limits by the City Council of the City of Fremont.
4. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

## 8. COUNCIL COMMUNICATIONS

### 8.1 Council Referrals

#### 8.1.1 MAYOR WASSERMAN REFERRAL: Appointments to the East-West Connector Mitigation Monitoring Committee (MMC)

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Mitigation Monitoring Committee	Robert (Bob) Czerwinski	July 31, 2014
	Melodye Khattak	July 31, 2014
	Pat Mapelli	July 31, 2014

By consensus, Robert (Bob) Czerwinski, Melodye Khattak and Pat Mapelli were appointed to the East-West Connector Mitigation Monitoring Committee (MMC) for terms to expire on July 31, 2014.

### 8.2 Oral Reports on Meetings and Events – None.

## 9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:00 p.m.

Attest:

Approved:

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Dawn G. Abrahamson, City Clerk

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BOB WASSERMAN, Mayor